IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 7TH AUGUST 2006 / 16TH SRAVANA 1928

Bail Appl..No. 4773 of 2006

CRIME NO.86/2006 OF PAVARATTY POLICE STATION

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PETITIONERS/ACCUSED NO.1 AND 2

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1. SHARAFUDHEEN, S/O. K.V.ABU,
AGED 23 YEARS, NALAKATH HOUSE,
PUVATHUR DESOM, ELAVALLY VILLAGE,
CHAVAKKAD TALUK, THRISSUR DISTRICT.

2. NIZAMUDHIN K.A., S/O. MUHAMMED,
AGED 19 YEARS, KUTTIKKATTIL HOUSE,
PERUVATHUR DESOM, MULLASSERY VILLAGE,
CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE,
PAVARATTY POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4773/2006

DATED THIS THE 7TH DAY OF AUGUST, 2006

O R D E R

The first petitioner is the first accused, in crime No. 86/2006 of Pavaratty Police Station, the offence alleged against the accused being under Sections 341 326 and 308 IPC read with Section 34 IPC. It is alleged that the first accused and two others had attacked the defacto complainant with iron rods and sword. They inflicted injuries including fracture on the right clavicle and incised injury on the back. The first petitioner, first accused, is named in the F.I.R. However, the two other suspected persons are yet to be identified. The prosecution however, submitted that the second petitioner, Nizamudhin K.A., is not arrayed as accused. This application is filed by both the petitioners, under Section 438 Cr.P.C.

2. After hearing both sides and considering the materials on record, I direct the first petitioner, first

accused, Sharafudheen, to surrender before the Judicial Magistrate of First Class, Chavakkad, on 14.8.2006 at 11.00 a.m., after serving copy of the bail application to the APP of that Court well in advance.

3. On receipt of the copy of the application, the learned APP shall inform the same to the Investigating Officer and take instructions from him. Thereafter, the learned Magistrate shall hear both sides and pass appropriate order on merit, considering the prayer, if any, by the prosecution for custodial interrogation, as the recovery of the weapons, used in the occurrence, is to be effected. The order passed on merit shall consider all the contentions that may be taken up before it.

4. Needless to say that if no custody application is made by the prosecution, the petitioner be released on bail, imposing such conditions, as are deemed fit, by the learned Magistrate.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs